

WILLIAM E. ADAMS (BIEN MUR	:	Order Dismissing Appeal
INDIAN MARKET CENTER, INC.),	:	
Appellant	:	
	:	
v.	:	Docket No. IBIA 89-42-A
	:	
ALBUQUERQUE AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	November 13, 1992

William E. Adam and/or Bien Mar Indian Market Center, Inc., (appellant) sought review of a March 27, 1989, decision of the Albuquerque Area Director, Bureau of Indian Affairs, cancelling Business lease No. 55-0134-7499, between appellant and the Pueblo of Sandia. The Area Director cancelled the lease for failure to pay the full annual rent.

On June 28, 1989, the Board of Indian Appeals (Board) issued an order staying proceedings before it after being informed that the matter was pending before the United States Bankruptcy Court for the District of New Mexico. No further information concerning this matter was filed with the Board.

Following a Board request for a report on the status of the bankruptcy proceeding, counsel for the Pueblo of Sandia informed the Board that the matter had been resolved by the court. A copy of the court's order was included with the filing. The order states, inter alia:

2. On August 8, 1989, the Bankruptcy court approved a transaction whereby the Pueblo of Sandia would purchase the assets of Bien Mar Indian Market Center, Inc. As a part of that transaction, it was agreed by and between the parties as follows:
 - a. That the lawsuits and controversies involving the Secretary of the Interior, the Albuquerque Area Director, Bureau of Indian Affairs, and Bien Mur Indian Market Center, Inc., be dismissed with prejudice.
 - * * * * *
 - d. That the Albuquerque Area Director, Bureau of Indian Affairs agrees not to proceed against Bien Mur or any other individual or party to enforce or recover any amounts in connection with

rents or lease cancellation under the lease or arising from the lease by and between William E. Adams and the Bureau of Indian Affairs.

No other responses to the Board's request for a status report were received.

Based upon the court's order, the matter before the Board is moot.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Albuquerque Area Director's March 27, 1989, decision is dismissed as moot.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge